

ORDINANCE NO. 2153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE STANDARDS OF CARE FOR THE CITY OF SUGAR LAND PARKS AND RECREATION DEPARTMENT'S RECREATIONAL YOUTH PROGRAMS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That the following standards of care for recreational youth programs and activities operated by the City of Sugar Land Parks and Recreation Department are adopted:

SUGAR LAND RECREATIONAL YOUTH PROGRAMS STANDARDS OF CARE

Pursuant to Section 42.041(b)(14) of the Texas Human Resources Code, the following standards of care ("Standard of Care") have been adopted by the City Council of the City of Sugar Land, Texas, for recreational youth programs and activities operated by the City of Sugar Land Parks and Recreation Department ("Department").

The Standards of Care are intended to be minimum standards by which the City recreational youth programs and activities are operated. The Department's programs and activities are recreational in nature and are not licensed by the State of Texas as a child-care facility.

GENERAL ADMINISTRATION

1. Organization

- A. The governing body of the City of Sugar Land is the City Council.
- B. The Director and staff will implement the Standards of Care.
- C. The Program Site(s) will have a current copy of the Standards of Care available for the public and staff to review.
- D. Parents of each Participant will be provided a copy of the Parent Handbook, which includes a copy of the Standards of Care, during the registration process and will be informed that the Program is not licensed by the state and is not a child-care facility.
- E. The City will conduct criminal background checks on all Program employees and volunteers who work with children in the Program using information that is obtained from the Department of Public Safety.

2. Definitions

- A. Assistant Director: The Department Assistant Director, or designee.

- B. City: The City of Sugar Land.
- C. City Council: The City Council of the City of Sugar Land.
- D. Department: The Parks and Recreation Department of the City.
- E. Director: The Department Director, or designee.
- F. Employee or Staff: Person(s) who have been hired to work for the City and have been assigned responsibility for managing, administering, or implementing some or all portions of the Program.
- G. Parent: One or both parent(s), or legal guardian(s), who have legal custody and authority to enroll their child(ren) in the Program.
- H. Parent Handbook: The City of Sugar Land Recreational Youth Programs Parent Handbook, which includes policies, procedures, forms, organizational, and Program information.
- I. Participant: An elementary age youth (ages 5 – 13) whose Parent has completed all required registration procedures and determined to be eligible for the Program.
- J. Program: The Department's Recreational Youth Programs.
- K. Program Site: The area or facility where a Program is being held.
- L. Recreation Center Manager: The Department's manager who is assigned to the Program.
- M. Recreation Coordinator: The employee who is assigned to direct or is responsible for the Program.
- N. Standards of Care: The Sugar Land Recreational Youth Programs Standards of Care adopted by the City Council.

3. Monitoring/Enforcement

- A. The Recreation Coordinator, or designee, will make visual inspections of the Program on a weekly basis to ensure compliance with the Standards of Care.
- B. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator is responsible for taking the necessary steps to resolve problems. A complaint regarding enforcement of the Standards of Care and the resolution of the complaint will be recorded by the Recreation Coordinator. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Center Manager and the complaint and the resolution will be recorded.

- C. The Recreation Center Manager will submit an annual report to the Director regarding the status and operation of the Program with respect to compliance with the Standards of Care.

4. Enrollment

Before a child can be enrolled, a Parent must sign the registration forms that contain:

- (1) The Participant's name, address, and home telephone number;
- (2) The Participant's Parent's name(s), address(es), and telephone number(s) to be contacted during Program hours;
- (3) In case of an emergency, the name(s) and telephone number(s) of person(s) to be contacted during Program hours;
- (4) The name(s) and telephone number(s) of person(s) to whom the Participant can be released;
- (5) A statement of the Participant's special problems or needs. Parent must provide his or her own personal assistant to assist the Participant with special needs such as feeding, changing clothes, or using the restroom. Program staff will not provide personal assistance to Participants;
- (6) An emergency medical authorization, doctor's name, and telephone number; and
- (7) Proof of residency, when appropriate.

5. Suspected Abuse

Program staff will report suspected child abuse or neglect in accordance with the Texas Family Code or applicable law. If a City employee is involved in an incident with a Participant that could be construed as child abuse, the incident must be reported immediately to the Recreation Coordinator, Recreation Center Manager, Assistant Director, Director, police, and any other agencies as may be deemed appropriate.

STAFFING - RESPONSIBILITIES AND TRAINING

1. Recreation Center Manager

A. *Qualifications.* The Recreation Center Manager is a full-time, professional employee of the Department and is required to have all Recreation Center Manager qualifications, as outlined in the Job Description on file with the City Human Resources Department. Generally, the Job Description provides for the Recreation Center Manager to have a:

- (1) Bachelor's Degree in Parks and Recreation, Public Administration, or a related field from an accredited school or university;

- (2) Minimum of five (5) years of progressively responsible experience in a parks, recreation, or related discipline, including two (2) years of supervisory experience;
- (3) Valid Class "C" Texas Driver's License; and
- (4) Must pass a background investigation and test negative for the use of illegal substances.

B. *Responsibilities.* The Recreation Center Manager:

- (1) Coordinates, organizes, develops, implements, monitors, and evaluates recreation activities, programs, events, and youth enrichment programs;
- (2) Assures that appropriate recreation programs and activities are provided for the community; and
- (3) Supervises Program, facility and event guests, and enforces rules and safety standards.

2. Recreation Coordinator

A. *Qualifications.* The Recreation Coordinator is a full-time, professional employee of the Department and must have the Recreation Coordinator qualifications, as outlined in the Job Description on file with the City Human Resources Department. Generally, the Job Description provides for the Recreation Coordinator to have a:

- (1) Bachelor's Degree in Communications, Business/Public Administration, Recreation Administration, Marketing or a related field from an accredited school or university;
- (2) Two year of progressively responsible experience in planning recreation events or related discipline;
- (3) Valid Class "C" Texas Driver's License; and
- (4) Must pass a background investigation and test negative for the use of illegal substances.

B. *Responsibilities.* The Recreation Coordinator is responsible for:

- (1) Ensuring safe and appropriate recreation programs and activities, and enforcing rules and safety standards; and
- (2) Managing, developing, coordinating, implementing, and evaluating Programs.

3. Seasonal/Temporary Staff Qualifications ("Camp Counselors")

A. *Qualifications.* The Camp Counselors are part-time or temporary employees in the Department and must:

- (1) Be at least 16 years of age;
- (2) Have a valid Class “C” Texas Driver’s License;
- (3) Have excellent customer service skills and the ability to solve problems;
- (4) Pass a background investigation; and
- (5) Test negative for the use of illegal substances.

B. *Responsibilities.* The Camp Counselors:

- (1) Plan and coordinate age appropriate activities and supervise children ages 5-13 years old;
- (2) Follow the City, Departmental, and Program standards and enforce the rules and policies in a tactful manner; and
- (3) Assist in general maintenance of the camp and the surrounding area.

C. *Training/Orientation for Camp Counselors.* Training and orientation will be provided to the Camp Counselors regarding their specific job responsibilities and the appropriate procedures to handle emergencies. Each Camp Counselor will be provided with an employee manual, and a formal training session will be held to discuss the areas of the employee manual. The Camp Counselors must be familiar with the Standards of Care and the City’s policies including discipline, guidance, and release of Participants, as outlined in the counselor manual.

OPERATIONS

1. Staff-Participant Ratio

- A. The standard ratio of Participants to Staff in the Program will be 7 to 1.
- B. Each Participant will have a staff member who is responsible for him or her and who is aware of the Participant’s habits, interests, and any special needs or problems as identified by the Participant’s Parent during the registration process.

2. Discipline

- A. Program staff will implement discipline and guidance in a consistent manner based on the best interests of the Participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Corporal punishment is prohibited.

- D. Program staff may use brief, supervised separation from the group if necessary.
- E. Program staff will initiate discipline report to the Participant's Parent if necessary. Parent will be asked to sign the disciplinary report to indicate that they have been advised about the Participant's problems or incidents.
- F. A sufficient number and/or severe nature of discipline reports, as detailed in the Parent Handbook, may result in a Participant being suspended or expelled from the Program.
- G. In instances where there is a danger to other Participants or staff, the offending Participant will be removed from the Program Site as soon as possible.

3. Programming

- A. Program staff will attempt to provide activities for each group according to the Participants' ages, interests, and abilities. The activities will be appropriate to the Participants' health, safety, and well-being. The activities will be flexible and promote the Participants' emotional, social, and mental growth.
- B. Program staff will attempt to provide indoor and outdoor time periods that include:
 - (1) Alternating active and passive activities;
 - (2) Opportunity for individual and group activities, and
 - (3) Outdoor time each day when weather permits.
- C. Program staff will be attentive and considerate of the Participants' safety on field trips and during any transportation provided by the Program. During trip the staff will have:
 - (1) Immediate access to emergency medical forms and emergency contact information for each Participant;
 - (2) A written list of the Participants in the group and will check the roll frequently; and
 - (3) Access to first aid supplies.

4. Communication

- A. The Recreation Coordinator will post telephone numbers for the following, as necessary, at the Program Site:
 - (1) 911 for emergency medical;
 - (2) The City Police Department;

(3) The City Fire Department; and

(4) The City Parks and Recreation Department.

5. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all vehicles that transport Participants.
- B. All vehicles used for transporting Participants will have available a portable fire extinguisher installed in the passenger compartment of the vehicle, which will be accessible to the adult occupants.

FACILITY STANDARDS

1. Safety

- A. Program staff will inspect the Program Site, excluding non-City-owned property, weekly to identify any sanitation and safety concerns that might affect the health and safety of the Participants.
- B. Buildings, grounds, and equipment, excluding non-City-owned property, on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health and safety of the Participants.
- C. First aid supplies will be readily available at the Program Site, during transportation to an off-site activity, and for the duration of any off-site activity.
- D. Air conditioners, electric fans, and heaters will be mounted out of the Participants' reach or have safeguards that keep Participants from being injured.
- E. Program staff will have first aid supplies readily available in a designated location.

2. Fire

- A. In case of a fire, danger of fire, explosion, or other emergency, staff's first priority is to evacuate the Participants to a designated safe area.
- B. The Program Site, excluding non-City owned property, will have an annual fire inspection by the City's Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Assistant Director who will review and establish deadlines and criteria for compliance.
- C. The Program Site, excluding non-City owned property, must have an appropriate number of fire extinguishers approved by the City's Fire Marshal readily available to all employees.

All employees will be trained in the proper use of fire extinguishers.

3. Health

A. Illness or Injury

- (1) A Participant who is considered to be a health or safety concern to other Participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner that will protect the health of all Participants and employees.
- (3) Program staff will follow plans to provide emergency care to injured Participant or Participant with symptoms of an acute illness as specified in the Parent Handbook.
- (4) Program staff will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease or illness.

B. Program Staff will administer medication only if:

- (1) Parent completes and signs a medication form that provides authorization for staff to dispense medication with details as to the time and dosages. No injections will be administered by staff. Staff may assist Participant in administering EpiPen if the Participant requires assistance.
- (2) Prescription medications must be in the original containers and labeled with the Participant's name, date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Nonprescription medications must be labeled with the Participant's name and the date the medication was brought to the Program. Nonprescription medications must be in the original container. Program employees will administer it only in accordance with the direction on the label.
- (4) Medications will not be accessible to Participants and, if it is necessary to keep medications in the refrigerator (when available) such medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program Site, excluding non-City-owned property, will have toilets so that Participants can use them independently and Program staff can supervise as needed.
- (2) There will be one flush toilet for every 30 Participants. Urinals may be counted in the

ratio of toilets to Participants, but they will not exceed 50% of the total number of toilets.

- (3) An appropriate and adequate number of lavatories will be provided.
- (4) Toilet facilities may be provided in a building adjacent to the Program Site.

D. Sanitation

- (1) The Program Site, excluding non-City-owned property, will have light, ventilation, air conditioning, and/or heater.
- (2) The Program Site, excluding non-City-owned property, will have drinking water meeting the standards of the Texas Department of Health. Water will be supplied to the Participants in a safe and sanitary manner.

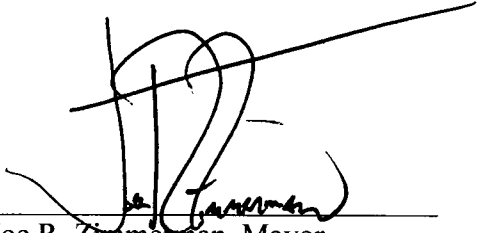
4. Complaints

- A. Complaints from Parent or Participant will be reviewed and assessed by the Recreation Coordinator. The Recreation Coordinator will initiate any necessary corrective action concerning the complaint.
- B. If the complaint from the Parent or Participant is of a serious nature:
 - (1) The Recreation Coordinator will immediately contact the Recreation Center Manager.
 - (2) The Recreation Coordinator will commence a dialogue with the complaining person(s) to establish an appropriate response.
 - (3) The Recreation Coordinator will initiate a corrective action concerning the complaint.
 - (4) The Recreation Coordinator will immediately notify the Recreation Center Manager concerning the nature and disposition of the complaint.
 - (5) The Recreation Coordinator will include the number of complaints in the annual report to the Assistant Director.

Section 2. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

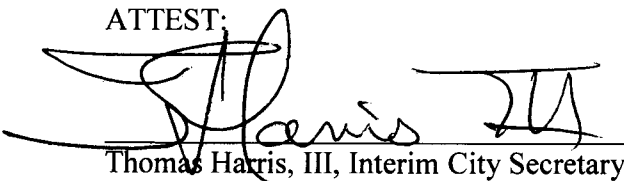
APPROVED on first consideration on March 19, 2019.

ADOPTED upon second consideration on April 2, 2019.



Joe R. Zimmerman, Mayor

ATTEST:



Thomas Harris, III, Interim City Secretary

APPROVED AS TO FORM:

DAnn Shea Spick



City Council Agenda Request
APRIL 2, 2019

AGENDA REQUEST NO: III.B.

AGENDA OF: City Council Meeting

INITIATED BY: *Dave Berkley, Recreation Coordinator*

PRESENTED BY: *Dave Berkley, Recreation Coordinator*

RESPONSIBLE DEPARTMENT: Parks and Recreation

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2153:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE STANDARDS OF CARE FOR THE CITY OF SUGAR LAND PARKS AND RECREATION DEPARTMENT'S RECREATIONAL YOUTH PROGRAMS.

RECOMMENDED ACTION:

Second consideration of Ordinance No. 2153 establishing Standards of Care for City of Sugar Land Youth Programs as required by Section 42.041(b)(14) of the Texas Human Resources Code.

EXECUTIVE SUMMARY:

Section 42.041(b)(14) of the Texas Human Resources Code stipulates that a state license is not required for an elementary-age (ages 5-13) recreation program operated by a municipality, provided the governing body annually adopts Standards of Care by ordinance and holds a public hearing.

State law also requires that the Standards of Care be provided to the parents of each program participant, and the ordinance includes, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

Furthermore, state law requires that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility. The purpose is to clearly delineate that the City is providing a youth "program" with a recreational purpose and not operating a "child care facility." As a youth program, the City will be required to apply for an exemption from the Texas Department of Family and Protective Services which regulates child-care facilities.

The "Standards of Care" being submitted for City Council approval are consistent with past practices and policies. Every parent of the Summer Day Camp Program will be provided with a copy of the document.

The Parks and Recreation Department is requesting that the City Council consider adoption of Ordinance No. 2153 establishing Standards of Care for the City of Sugar Land Youth Programs. Except for the notice required by the Open Meetings Act, there is no other notice required for the Public Hearing associated with this item. Pending approval on second reading, the City will apply for an exemption from the Texas Department of Family and Protective Services.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

	Description	Type
▯	<u>Ordinance No. 2153</u>	Ordinances